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**IN THE  
COURT OF APPEALS OF INDIANA**

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N. J.,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A04-0607-JV-388
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

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APPEAL FROM THE MARION SUPERIOR COURT  
The Honorable Christopher Piazza, Magistrate  
Cause No. 49D09-0605-JD-1931

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**February 28, 2007**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**MATHIAS, Judge**

N.J., a minor, appeals from a proceeding in Marion Superior Court in which she was adjudicated a juvenile delinquent based on the court's finding that N.J. committed an act that if committed by an adult would be the criminal offense of battery, a Class A misdemeanor. N.J. raises the single issue of whether the evidence is sufficient to support the juvenile court's finding. We affirm.

### **Facts and Procedural History**

On May 14, 2006, Felicia Harris ("Harris") hosted a barbeque for relatives in honor of Mother's Day. At some point during the day, Harris learned that her fifteen-year-old daughter N.J. had been skipping school and confronted her about it. After having dinner, N.J. went outside and then came back in. She discovered that her younger niece and nephew were playing in her room and ordered them out. N.J. then turned up the volume on her boom box. When Harris heard N.J. cursing in front of the two smaller children, she went into N.J.'s room intending to discipline her for her language. As Harris unplugged the boom box and stepped closer to N.J., N.J. hit her mother in the face with the boom box. Harris suffered a cut on her nose.

The State alleged that N.J. committed acts which would have been Class A misdemeanor battery and Class B misdemeanor disorderly conduct if committed by an adult. At a dispositional hearing held on July 7, 2006, the juvenile court made a true finding of battery, ordered a suspended commitment, and placed N.J. on probation. N.J. now appeals.

### **Standard of Review**

In juvenile delinquency adjudication proceedings, the State must prove every element of the offense beyond a reasonable doubt. D.B. v. State, 842 N.E.2d 399, 401 (Ind. Ct. App. 2006). When reviewing a claim challenging the sufficiency of the evidence, we will neither reweigh the evidence nor judge witnesses' credibility. Id. We will affirm the adjudication if we conclude that evidence of probative value exists so that a reasonable factfinder could find the elements of the underlying crime proven beyond a reasonable doubt. Id.

### **Discussion and Decision**

N.J. contends that the State presented insufficient evidence to support a true finding of Class A misdemeanor battery. The State was required to prove that N.J. “knowingly or intentionally touched another person in a rude, insolent, or angry manner.” Ind. Code § 35-42-2-1 (2004 & Supp. 2006). The offense is a Class A misdemeanor if it results in bodily injury to another person. Ind. Code § 35-42-2-1(a)(1)(A).

Harris testified that N.J. “hit [her] in the face with the radio.” Tr. p. 7. N.J. contends that the State failed to prove beyond a reasonable doubt that she was not acting in self defense because she knew Harris was about to physically discipline her.

Harris testified that she approached N.J. with the intent to administer reasonable corporal punishment for cursing in front of the smaller children. Specifically, she testified that, “I was going to discipline her...I was gonna smack her in the mouth.” Tr. p. 11. The law is well settled that a parent has the right to administer proper and reasonable chastisement to her child without being guilty of an assault and battery.

Mitchell v. State, 813 N.E.2d 422, 427 (Ind. Ct. App. 2004), trans. denied. Thus, N.J.'s self defense argument fails.

Under these facts and circumstances, the State presented sufficient evidence to support the finding that N.J. is a delinquent child for committing acts which would be Class A misdemeanor battery if committed by an adult.

Affirmed.

NAJAM, J., and MAY, J., concur.